GENERAL SECRETARIAT.

Reconstitution of Revenue Sub-Divisions in the Kolar District.

READ—

Correspondence ending with letter No. C. 5425—28-29, dated 11th October 1929, from the Revenue Commissioner in Mysore, stating that the reconstitution of Revenue Sub-Divisons in the Kolar District ordered in Government Order No. R. 1236-95—L. R. 718-28-3, dated 10th August 1929, and in Government Order No. R. 2013-72—L. R. 718-28-7, dated 10th September 1929, has been given effect to from 1st September 1929.

ORDER No. R. 3247-3307—L. R. 718-28-9, DATED 6TH NOVEMBER 1929.

Recorded.

B. NARAYANASWAMI IYENGAR,
Offg. *General Secretary to Government.*

Grant of lands for the cultivation of Tea, Coffee, Cinchona and Rubber.

READ—

Government Order No. R. 1102-14—L. R. 484-26-8, dated 8th August 1928, issuing revised rules in the matter of the grant of lands for tea, coffee, rubber, cinchona and cardamom cultivation.

Letter dated nil from the Secretary, the Mysore Planters' Association, making certain representations in the matter of the rigidity and harshness of certain portions of the revised rules, and proposing certain additions and modifications thereto as approved by the Association.

Letter No. C. 3390—28-29, dated 20—24th April 1929, from the Revenue Commissioner in Mysore, submitting his views on the various suggestions and amendments of the said Planters' Association.

ORDER No. R. 2631-91—L. R. 445-28-17, DATED 7TH OCTOBER 1929.

The proposals of the Association are detailed below:—

(*a*) The following addition to be made to Rule 1: "To enable such applications to be correctly made, the Shanbhog concerned shall, on application, supply to the applicant for land full details of the land to be applied for".

(*b*) In Rule 2, after the words "higher revenue officer" insert "than the Amildar with a view to seeing if there are any objections to the grant, but not to value the land" and add the following sentence at the end: "when it has been ascertained that there is no objection to the grant of the land applied for, it shall be duly demarcated".

(*c*) In Rule 3, after the word 'instituted' insert "at the same time by the same Revenue Officer, who shall make a written report of his recommendations sending a copy of it to the applicant" and after the word "communities" insert the word "landholders."

(*d*) In rule 6, omit the words "shall be duly demarcated and"; cancel the word 'an' and insert "a fixed"; cancel the words "to be fixed by the Deputy Commissioner, with reference to the market value of the land, such upset price being not less than" and insert "of"; for "dispose" read "sanction the sale"; insert after "valuation" the words "but to no other person" cancel the words "or to any other person"; "cancel the words" 'either' and "or for upset price"; and insert the words "or lease" after "alienate."

(*e*) In rule 9, cancel the words after "shall be published in the neighbouring villages"; and substitute "posted for one calendar month in Kannada, Urdu and English outside both the Taluk Treasury and the house of the Grama Patel of the village in which the land to be sold is situated, and the Shanbhog shall notify and obtain the signatures to the notification of all landholders of lands adjoining the land to be sold".

(*f*) In Rule 10, insert at the beginning of the rule "sales of lands not exceeding 25 acres shall be held on the spot; sales of land over 25 acres shall be held at the Taluk

Treasury"; cancel the words "under the usual conditions" and insert "between the hours of 10 A.M. and 4 P.M., and no auction shall be closed before 4 P.M." cancel 'and the' and substitute 'The'; cancel 'fixed'.

(*g*) In rule 10 A, omit from the word 'provided' onwards.

(*h*) In rule 10 C, omit "it shall be refunded to him"; add after 'auction' the following words "the auctioneer shall at once give the applicant a demand note for the amount of his deposit, which note shall be cashed at once on presentation at the Taluk Treasury".

(*i*) In rule 11, for 'arable' read "plantable".

(*j*) Add the following as Rule 16:—"Confirmation of sale must be given or denied to the buyer by the revenue officer of the next grade above the auctioneer on or before the 30th day after the sale. If the confirmation of the sale be denied, the reason must be clearly and fully stated with the responsible cause".

2. It will be seen from the above that the most important objection is to Rule 6 as it stands at present. It is said that upset prices are fixed arbitrarily, and without proper regard for the soil and the nature of the surroundings, and that therefore it should be fixed as of old at ten rupees per acre. Government agree that there is some force in this contention, but are of opinion that there is no need to revert to the old rate. In the Nilgiri District of the Madras Presidency, the minimum is as much as Rs. 75 per acre for land covered with scrub jungle, and one hundred and twenty-five to two hundred rupees per acre for land covered with shola or good forest growth. Government are of opinion therefore that the upset price may be fixed ordinarily at Rs. 40 per acre, and only in the case of applications from the Depressed Classes and from *bona fide* cultivators of small means, at Rs. 12-8-0 per acre when the extent asked for is 15 acres and below in each case.

3. The next important alteration suggested is that sales of these lands exceeding 25 acres in extent should be held at the Taluk office only. Government approved of this suggestion also. The third suggestion is that in cases where the land is purchased by any person, other than the first applicant, the sale conducting officer should at once give a demand note to the latter for the amount of the deposit, which should be cashed at once on presentation at the Taluk Treasury. The Revenue Commissioner is not in favour of this addition to the existing rules. Government agree with the Revenue Commissioner, and think that it will serve the purpose if Revenue officers are duly instructed by the Revenue Commissioner to see that the deposits are returned promptly to the unsuccessful darkhastdars.

4. The other alterations suggested are mainly of a subsidiary character and need no detailed comment. Government do not think it necessary to apply the coffee rules to lands granted for cardamom cultivation. The ordinary darkhast rules will apply to them as heretofore.

5. The rules as revised are appended herewith.

B. NARAYANASWAMIIYENGAR,
Offg. *General Secretary to Government.*

ANNEXURE.

In supersession of the existing rules, the Government of His Highness the Maharaja are pleased to issue the following revised rules for the grant of lands, for the cultivation of tea, coffee, cinchona or rubber in the State.

APPENDIX I.

1. Applications for land for tea, coffee or cinchona cultivation shall be made to the Amildar in the first instance setting forth the area required, the survey number, the village and the hobli in which the land is situated. To enable such applications to be correctly made the shanbhog concerned shall, on application supply to the applicant full details of the land to be applied for.

2. The land applied for when more than 50 acres in extent, shall be inspected by a Revenue Officer of a status higher than the Amildar, and when situated in a valuable timber tract by the Forest Officer. The land applied for should be demarcated only after the grant is sanctioned, and just before the land is put in possession of the purchaser at the auction sale or for upset price, the cost of such demarcation being born by the grantee.

3. In all cases, due enquiry shall be instituted as to whether the land can be given out for cultivation without prejudice to the interests and rights of neighbouring village communities and of the Forest Department.

4. Ordinarily, no application shall be entertained for an area larger than 500 acres, in the case of tea, and 200 in the case of coffee, cinchona or rubber ; but in special cases in which the Deputy Commissioner is satisfied of the applicant's ability to bring under cultivation a larger area within a reasonable time, an application may be entertained for such area as the Deputy Commissioner may consider reasonable.

5. No land containing valuable timber trees, which it is desirable that the Government should in the Forest Department conserve and work, shall be granted for tea, coffee, cinchona or rubber cultivation.

6. When it has been ascertained that there is no objection to the grant of the land applied for, it shall ordinarily be sold by public auction subject to an upset price of Rs. 40 per acre. In the case of applications from the Depressed Classes and *bona fide* cultivators of small means when the extent applied for is 15 acres and below in each case, the minimum upset price will be Rs. 12-8-0 per acre.

Deputy Commissioners may dispose of lands by public auction up to a limit of 50 acres. In exceptional cases when a sale by public auction is undesirable, the Revenue Commissioner may order the grant of the land to the first applicant or to any other person on a fair valuation. His powers of grant, either by auction or for upset price, will be limited to an extent of 100 acres. All other cases, particularly when the applications are considered to be of a speculative nature, should be referred to Government.

Provided also that when such lands are applied for by applicants belonging to the Depressed Classes they may be given by the Deputy Commissioner to the first applicant for an upset price without auction. In these cases a mutchalika should be taken from the grantees in the form prescribed in Government Order No. R. 869-75—L. R. 75-25-2, dated 18th August 1925, stating that they will not alienate or lease out the lands for a period of 15 years. The extent granted to any one individual under this proviso should not exceed 15 acres in extent.

7. The upset price fixed as above shall include right of Government to all reserved trees except Sandal which shall always be reserved absolutely to the Government.

What the fixed upset price of the land shall include.

8. Before the land is advertised for sale, the applicant shall deposit with the Deputy Commissioner one-fourth of the upset price fixed as above.

Deposit to be made by applicant.

9. Full notice of every intended sale shall be posted for one full calendar month in Kannada, Urdu and English in the Taluk Office, the chavadi or other conspicuous place of the village where the land to be sold is situated and the Shekdar shall notify and obtain the signatures to the notification of all holders of lands adjoining the land to be sold, as far as it may be possible. All sales of Blocks of a greater extent than 50 acres shall be advertised in the Official Gazette and in the local and outside papers also, if deemed necessary by the Deputy Commissioner of the District and the Revenue Commissioner.

10 Sales of land not exceeding 25 acres in extent shall be held on the spot; sales of land over 25 acres in extent shall be held at the Taluk Office. The sale shall be by public auction under the usual conditions between the hours of 10 A. M., and 4 P. M., and no auction sale shall be closed before 4 P. M. The land shall be knocked down to the highest bidder above the upset price fixed, whereupon the purchaser shall deposit a sum equal to 25 per cent of his bid, and in default of such deposit, the property shall forthwith be again put up and sold. The full amount of purchase money shall be paid before sunset of the 15th day from that on which the sale of the land took place, or if the said 15th day be an authorised holiday, then before sunset of the first office day after such 15th day.

10A. In default of payment within the prescribed period of the full amount of purchase money, the deposit, after defraying thereout the expenses of the sale, shall be forfeited to Government, and the property shall be resold, and the defaulting purchaser shall forfeit all claim to the property or to any part of the sum for which it may be subsequently sold.

10B. If the proceeds of the sale, which is eventually made, be less than the price bid by such defaulting purchaser the difference shall be recoverable from him by the Deputy Commissioner as an arrear of land revenue.

10C. The deposit of one-fourth of the upset price made by the applicant under para 8 above, shall, if the land be knocked down to him at the auction, be credited towards his deposit of 25 per cent of the purchase money, and it shall be refunded to him, if the land is purchased by any other person in the auction.

11. The lands sold under the above rules shall be given on a guarantee for 30 years on the terms of the Survey Settlement subject to the condition that this period will run for the taluk or the locality as a whole, thus providing for the synchronization of future revision settlements for coffee, tea and other lands of a particular area like a taluk. The lands shall, in the case of coffee be held.

(*a*) Free of assessment for the first three years, and half assessment for the next two years, the full assessment of Rs. 1-4-0 per acre being payable from and after the sixth year.

(*b*) In the case of tea, free of assessment for the first five years from the date of grant, and on full assessment at the rate of Rs. 1-8-0 per acre from the sixth year onwards. No grant will be made unless the applicant is able to prove that he can raise the necessary capital for starting the industry. One-fifth of the area granted shall be planted up every year.

The same rate of assessment will be levied on coffee lands held on temporary tenure or other lands which are cultivated with tea. Before the abovementioned concessions are granted, the purchaser will bind himself in writing to pay the full assessment from the first year in the event of his resigning the lands after cutting down the timber thereon or otherwise clearing any portion, but without having made any *bona fide* attempt to bring under cultivation the plantable lands included in the grant.

Concession as regards land required *bona fide* for purposes of coffee or tea cultivation, such as drying grounds, cooly lines, etc.

12. The Deputy Commissioner may, in his discretion, grant to the holder of an estate, on a fair valuation and without an auction, any moderate extent of Kharab land adjoining his farm which may be unfit for coffee cultivation, but required *bona fide* for the purposes of coffee cultivation, such as (1) drying-grounds, (2) pulper buildings and washing cisterns, (3) store buildings, (4) cooly lines, and (5) bungalows. In making grants under this rule, due regard shall be had to the provisions of the preceding rules as far as they apply, provided that in no case shall the extent of land to be granted by the Deputy Commissioner under this rule exceed ten acres for any single estate without the previous sanction of the Government.

Land granted under this rule shall be assessed at Rupee one and annas four per acre in the case of coffee and at Rs. 1-8-0 in the case of tea.

The proprietor of an estate may be allowed to erect cooly lines, store buildings, etc., on the assessed land under his occupation.

13. For lands under these rules title-deeds shall be granted to the grantees specifying the conditions and privileges of the grant in the appended form.

Fee for title-deed.

14. A fee of one rupee for each title-deed shall be recovered from the grantee for cost.

Drawing toddy—how allowed and how restricted.

15. The grantee can draw toddy from Bagani or other trees for the making of bread or other *bona fide* domestic purposes, but not otherwise, as the toddy contractor alone has the right to draw toddy for other purposes after obtaining the grantee's consent.

FORM.

Whereas under the Rules for the disposal of lands for coffee or tea cultivation the land specified in the schedule hereunder written has been sold $\frac{\text{in public auction}}{\text{for upset price}}$ and A. B., being the $\frac{\text{highest bidder}}{\text{purchaser}}$ was declared the purchaser thereof, and whereas the said A. B., has paid into the Government Treasury the full sum of the purchase money amounting to Rs.....

Now I.C.D., the Deputy Commissioner of ....., acting under the authority of the Government of His Highness the Maharaja of Mysore, do hereby grant and confirm the said land to the said A. B., his heirs, personal representatives and assigns under the terms of the Survey Guarantee Rule and subject to the provisos hereinafter mentioned, and subject also to the regular yearly payment of the sum of Rs.....as the land revenue assessment of the land until the same is revised in accordance with the law for the time being in force.

1. Provided that this assessment shall be paid for each revenue year to the proper receiving officer on or before the 31st March in that year, failing which it will be recoverable by the ordinary process for recovering arrears of land revenue in Mysore.

2. Provided also that the said A. B., or other lawful owner of the said land, shall, at all times hereafter at his own expense, repair and maintain in good order the boundary marks erected round and in the said land, failing which, it shall be lawful for His Highness the Maharaja's Government after due notice to cause the repair of the boundary marks to be carried out and to recover the cost of such repair as a revenue demand from the said A. B., or other lawful owner.

3. Provided also that this title-deed in no way affects the liability of the abovesaid land to such rates or taxes other than land revenue as are or as may be imposed by law, whether for general, municipal or other local purposes; nor does it in any way affect any rights or interest which other parties may have in the said land.

4. Provided also that nothing in the title-deed contained shall affect the existing or customary rights of Government or of proprietors of lands adjoining or lying near the said land in all existing roads and paths and in streams of water running through or bounding the said land.

5. Provided also that this title-deed shall in no way be considered to grant to or in any way vest in the said A. B., his heirs, personal representatives or assigns any right, title or interest in or to precious stones, gold and other minerals or coal or stone or rock containing or supposed to contain precious stones, gold or other minerals or coal known to exist or which may at any time hereafter be discovered on or under the said land or any part thereof all of which are hereby respectively reserved to the Government of His Highness the Maharaja of Mysore subject to the following conditions, namely:—

(*a*) That if the said Government decides to work any mine upon the land either by itself or its servants, agents and other persons by it duly authorised, then the said Government shall have full and free liberty and right of ingress, egress and regress by nearest way at all times for itself and its servants, agents and workmen and for all persons by it duly authorised, in and upon the said lands and premises and either with or without horses and other cattle, carts and waggons and other carriages to erect on the said land and premises and to use any engines or machinery for the purpose of searching for working, getting and carrying away the said precious stones, gold and other minerals, and coal, with full liberty for the said Government to sink, drive, make and use upon the said land, mines, pits, shafts, drifts, adits, air-courses and water courses and to use all water which may be lifted or raised from the same and also to appropriate and use any part of the surface of the land and premises for depositing, placing and heaping thereon, the minerals, waste, rubbish and other substances which may be got from the said mines and generally to do all other acts and things necessary or proper for working and getting the said precious stones, gold and other minerals and coal and rendering the same merchantable, the said Government paying or rendering compensation to the said A. B., his heirs, personal representatives and assigns for all damage which the said A. B., his heirs personal representatives shall sustain by reason of the exercise by the said Government of such right of way as is hereinbefore reserved, or by the erection and use of any such engines, machinery or works as are hereinbefore mentioned or the exercise of all or any of the rights hereinbefore reserved to the said Government, provided always that nothing hereinbefore contained shall authorise the said Government to sink any mine, pit or shaft or exercise any of the rights hereinbefore reserved to it upon any part

of the said land and premises which shall be occupied by any messuage or dwelling house or its curtilage or by any enclosed garden or orchard, and provided further that if the said Government and the said A. B., his heirs, personal representatives or assigns do not agree as to the amount of compensation to be paid to the said A. B., his heirs, personal representatives or assigns the amount of such compensation shall be settled in accordance with the procedure prescribed by the Land Acquisition Regulation, 1894, for determining the amount of compensation; and

(*b*) That the said A. B., his heirs, personal representatives or assigns shall always be allowed to use free of charge any limestone, granite and ordinary minerals other than metals or coals or precious stones which may be found on or under the said land and which may be applied to the *bona fide* private use of the said A. B., his heirs, personal representatives or assigns and not removed for purposes of sale.

6. And provided also that this title-deed shall not be considered in any way to grant to or vest in the said A. B., his heirs, personal representatives or assigns the right to Sandal trees, which are hereby reserved to the Government of His Highness the Maharaja of Mysore.

Specification of the land.

District	Taluk	Village	Name, if any	Boundaries	Survey No.	Extent		Assessment	
1	2	3	4	5	6	7		8	
						A. G.		Rs.	a. p.

Dated this day of 19·

By order of the Government of His Highness the Maharaja of Mysore.

[Signed]

Deputy Commissioner.

APPENDIX II.

Revised rules for the grant of lands for rubber cultivation.

Government direct that all future applications for lands for rubber cultivation be dealt with in accordance with the rules relating to the grant of lands for coffee or tea cultivation. The lands will be sold by auction subject to a minimum upset price of Rs. 40 per acre and granted on temporary tenure. They will be held free of assessment for the first three years and on half assessment for next two years, full assessment at Rs. 1-8-0 per acre being recovered from the 6th year. A title-deed in the form given above will be issued to the grantee, whenever lands are given out for rubber cultivation as above.

2. In the case of lands which have already been given out for rubber cultivation under the rules of 28th September 1906, Government are pleased to direct that the rates of assessment be reduced from Rs. 3 to Rs. 2 per acre.

By Order,

B. NARAYANASWAMI IYENGAR,

Offg. *Secretary to Government,*

General Department.